REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. After amending the claims as set forth above, claims 17-31 are now pending in this application.

Applicants wish to thank the Examiner for the careful consideration given to the claims.

Specification

An objection has been made to the specification for various informalities. The specification has been amended to correct these informalities. For at least this reason, favorable reconsideration of the objection is respectfully requested.

Claim objection

An objection has been made to claims 1 and 6. Claims 1 and 6 have been canceled, which renders the objection of these claims moot. For at least these reasons, favorable reconsideration of the objection is respectfully requested.

Prior art rejections

Claims 1-12 and 14-16 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 6,158,537 ("Nonobe"). Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nonobe in view of U.S. Patent 6,186,254 ("Mufford"). Claims 1-16 have been canceled. For at least these reasons, favorable reconsideration of the rejections is respectfully requested.

Allowability of claims 17- 31

Claim 17 recites, among other things, a fuel cell system comprising an energy supply, a load set, and a controller. The energy supply comprises a fuel cell, a power distributor connected to the fuel cell, and a secondary cell connected to the power distributor. The load set connected to the power distributor. The controller is configured to, when the fuel cell system is started up, control the power distributor to warm the energy supply by alternately repeated switching of a first power distribution unit and a second power distribution unit. The first power distribution unit has a first power generated at the fuel cell and distributed to the secondary cell and the load set. The second power distribution unit has a combination of

a second power generated at the fuel cell and a third power discharged from the secondary cell, distributed to the load set. Nonobe, Mufford, or any combination thereof does not teach or suggest this combination of features.

For instance, Nonobe and Mufford does not teach or suggest a controller configured to, when the fuel cell system is started up, control the power distributor to warm the energy supply by alternately repeated switching of a first power distribution unit and a second power distribution unit. Nonobe merely discloses a controller configured to supply energy to a storage battery when the fuel cell system is stopped. Mufford does not cure the deficiencies of Nonobe because Mufford merely discloses a temperature regulating system for maintaining the temperature of a fuel cell. Thus, no combination of Nonobe and Mufford teaches or suggests the controller of claim 17, and claim 17 is allowable over the prior art.

Claims 18-30 depend from and contain all the features of claim 17, and are allowable for the same reasons as claim 17, without regard to the further patentable features contained therein.

Claim 31 recites, among other things, a control method of a fuel cell system comprising an energy supply comprising a fuel cell, a power distributor connected to the fuel cell, and a secondary cell connected to the power distributor, and a load set connected to the power distributor. The control method comprises, when the fuel cell system is started up, controlling the power distributor to warm the energy supply by alternately repeated switching of a first power distribution unit and a second power distribution unit. The first power distribution unit has a first power generated at the fuel cell and distributed to the secondary cell and the load set. The second power distribution unit has a combination of a second power generated at the fuel cell and a third power discharged from the secondary cell, distributed to the load set. Nonobe, Mufford, or any combination thereof does not teach or suggest this combination of features.

For instance, Nonobe and Mufford does not teach or suggest the step of, when the fuel cell system is started up, controlling the power distributor to warm the energy supply by alternately repeated switching of a first power distribution unit and a second power distribution unit. Nonobe merely teaches the supplying of energy to a storage battery when the fuel cell system is stopped. Mufford does not cure the deficiencies of Nonobe because Mufford merely discloses the maintaining of the temperature of a fuel cell. Thus, no

combination of Nonobe and Mufford teaches or suggests all the steps of claim 31, and claim 31 is allowable over the prior art.

<div align="center">Conclusion</div>

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date __9/22/2008__   By _____

FOLEY & LARDNER LLP   Glenn Law
Customer Number: 22428   Registration No. 34,371
Telephone: (202) 672-5426
Facsimile: (202) 672-5399   Matthew J. Kremer
                                         Registration No. 58,671